Contempt petition No. 73 of 2002

Hon'ble M.M. Ghildiyal, J.

Heard learned counsel for the parties.

On 4.8.1999, Allahabad High Court passed an order to clear the encroachments on the Forest land and fulfil the conditions of agreement between the departments of handing over back the land which is no more required by Irrigation department to the Forest Department.

In Kalagarh, this petition was filed by the petitioner alleging that the aforesaid order has not been complied by the Irrigation department. Affidavit has been filed by Hari Prakash Sharma-respondent no. 3 who had to comply the order passed by this court. In para 3 of the affidavit respondent no. 3 has submitted that in compliance of the order dated 4.8.1999 eviction suits were filed under Public Premises Eviction of Unauthorised Occupants Act 1972 against the unauthorized occupant.

In para 4 is it submitted 177 suits have been decided in favour of the department and the respondent no. 3 has ensured eviction of unauthorized occupants and handed over the encroached land back of the forest department and as such 95% of the land has already been handed over to Forest Department and some suits are pending.

Learned counsel for respondent no. 3 has submitted that respondent no. has now been transferred and it is for the successor of the deponent to ensure further compliance of the order of this court.

Learned counsel for the respondent has further submitted that Hon'ble Supreme Court has constituted a Central Empowered Committee to look after the encroachment on the Forest land. The present dispute has also been included and is being monitored by Hon'ble Supreme Court.

In view of the aforesaid circumstances, the Contempt Petition has become infructuous. The contempt petition is dismissed as infructuous. Notices issued against the respondents shall be discharged.

(M.M. Ghildiyal, J.)

14.12.2004
S.K. Sharma